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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,846	10/06/2000	Naoto Kataoka	81800.0136	1919
26021	7590	01/25/2005		EXAMINER
HOGAN & HARTSON L.L.P. 500 S. GRAND AVENUE SUITE 1900 LOS ANGELES, CA 90071-2611				EBRAHIMI DEHKORDY, SAEID
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/684,846	KATAOKA, NAOTO
	Examiner	Art Unit
	Saeid Ebrahimi-dehKordy	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 September 2004.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4, 7-15 and 17 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 06 October 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

### **Response to Amendment**

1. Applicant's arguments with respect to claim 1-17 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-4,7-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (U.S. patent 5,754,745) in view of Tomida (U.S. patent 6,281,989)

Regarding claim 1 and 2 Sato discloses: A communication terminal device comprising: a printer for printing an image (please note Fig17 item 29, column 21 lines 25-30) an image memory for storing the image to be printed by the printer (please note Fig.17 column 21 lines 15-35) an operation unit for inputting various instructions including interruption (please note Fig.17 item 24 column 21 lines 17-22 and also Fig.18, item 33, column 22 lines 9-18) and a controller for causing the printer to print the image stored in the image memory (please note Fig.17, column 21 lines 15-35) with an interruption condition being maintained (please note column 27 lines 18-26) if no instructions are input from the operation panel for a prescribed period after the interruption is instructed from the operation panel (please note column 28 lines 28-43). However Sato does not disclose: Wherein the controller causes the printer to print the

image stored in the image memory if the vacant area in the image memory is less than a predetermined value. On the other hand Tomida discloses: Wherein the controller causes the printer to print the image stored in the image memory if the vacant area in the image memory is less than a predetermined value (please note column 7 lines 56-67 wherein if the RAM 22 does not have enough room and it is under the predetermined threshold set remaining, the remaining data stored in the RAM 22 is sent to the printer in order to free up the space In RAM 22). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Sato's invention according to the teaching of Tomida, where Tomida in the same filed of endeavor teaches the way the data stored in the memory would be sent to the printer for printing to free space and area in the memory for the purpose of freeing up storage area for the receiving fax data coming in to be stored.

Regarding claim 3 Sato discloses: The communication terminal device of claim 1, wherein the controller interrupts printing by the printer if an interruption process needs to use the printer and then causes the printer to print according to the interruption process (please note column 21 lines 15-46).

Regarding claim 4 Sato discloses: The communication terminal device of claim 2, wherein the controller interrupts printing by the printer if an interruption process needs to use the printer and then causes the printer to print according to the interruption process (please note column 22 lines 19-47).

Regarding claim 7 Sato discloses: The communication terminal device of claim 1, wherein the image stored in the image memory is a facsimile image received from a remote party (please note column 8 lines 10-15).

Regarding claim 8 Sato discloses: The communication terminal device of claim 2, wherein the image stored in the image memory is a facsimile image received from a remote party (please note column 8 lines 10-15).

Regarding claim 9 Sato discloses: The communication terminal device of claim 3, wherein the image stored in the image memory is a facsimile image received from a remote party (please note column 8 lines 10-21).

Regarding claim 10 Sato discloses: The communication terminal device of claim 4, wherein the image stored in the image memory is a facsimile image received from a remote party (please note column 8 lines 22-31).

Regarding claim 11 Sato discloses: The communication terminal device of claim 1, wherein the image stored in the image memory is data received from a remote computer (please note column 21 lines 15-35).

Regarding claim 12 Sato discloses: The communication terminal device of claim 2, wherein the image stored in the image memory is data received from a remote computer (please note column 17 lines 55-61)

Regarding claim 13 Sato discloses: The communication terminal device of claim 3, wherein the image stored in the image memory is data received from a remote computer (please note column 21 lines 15-34).

Regarding claim 14 Sato discloses: The communication terminal device of claim 4, wherein the image stored in the image memory is data received from a remote computer (please note column 21 lines 47-57).

Regarding claim 15 Sato discloses: A method comprising the steps of:  
A) Determining whether a predetermined period elapses (please note column 27 lines 19-54) and B) printing image stored in a memory unless prescribed instructions are input for the predetermined period (please note column 28 lines 22-35). However Sato does not disclose: wherein the step B is executed only when a remaining capacity of the memory is less than a predetermined value. On the other hand Tomida disclose: wherein the step B is executed only when a remaining capacity of the memory is less than a predetermined value (please note column 7 lines 56-67 wherein if the RAM 22 does not have enough room and it is under the predetermined threshold set remaining, the remaining data stored in the RAM 22 is sent to the printer in order to free up the space In RAM 22). Therefore it would have been obvious to a person of ordinary skill in art at the time of the invention to modify Sato's invention according to the teaching of Tomida, where Tomida in the same filed of endeavor teaches the way the data stored in the memory would be sent to the printer for printing to free space and area in the memory for the purpose of freeing up storage area for the receiving fax data coming in to be stored.

Regarding claim 17 Sato discloses: the method of claim 15, wherein the predetermined period is counted after interruption condition starts (please note column 9 lines 47-52).

### **Conclusion**

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Contact Information**

➤ Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (703) 306-3487.

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams, can be reached at (703) 305-4863.

**Any response to this action should be mailed to:**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Or faxed to:**

(703) 872-9306, or (703) 308-9052 (for **formal** communications; please  
mark  
**"EXPEDITED PROCEDURE"**)

**Or:**

(703) 306-5406 (for **informal** or **draft** communications, please label  
**"PROPOSED" or "DRAFT"**)

**Hand delivered responses** should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be  
directed to the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy  
Patent Examiner  
Group Art Unit 2626  
January 18 2005



  
KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER